EFFICACY OF LOK ADALATS IN INDIA: A STUDY WITH REFERENCE TO THE STATE OF HIMACHAL PRADESH

A Ph.D. Research Synopsis submitted to

Himachal Pradesh National Law University, Shimla

Supervisor:

Dr. Ruchi Sapahia

Associate Professor of Law

Submitted by:

Vanita Sharma

Enrolment No. 9020192002

HIMACHAL PRADESH NATIONAL LAW UNIVERSITY

16 MILE, SHIMLA-MANDI NATIONAL HIGHWAY, GHANDAL,

DISTRICT SHIMLA-171014, HIMACHAL PRADESH

Ph. 0177-2779802, 0177-2779803, Fax: 0177-2779802

Website: http://hpnlu.ac.in

INTRODUCTION

> 'I had learnt the true practice of law. I had learnt to find out the better side of human nature and to enter men's heart I realised that the true function of a lawyer was to unite parties riven asunder. The lesson was so indelibly burnt into me that a large part of my time during the twenty years of my practice as a lawyer was occupied in bringing about private compromises of hundreds of cases. I lost nothing thereby- not even money, certainly not my soul.'
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> – Mahatma Gandhi[1]

The aforementioned words of the Mahatma, highlight the real purpose of law, legal practice and the justice delivery mechanism. While often courts are perceived to be a place of quarrel and chaos, the actual function of the court to establish peace and stability within the society. This paradoxical nature of the courts is the fundamental aspect of legal system, not just in India, but the world over.

However, in the past few decades, the idea of the courts as the destination for grievance redressal has taken a proverbial back seat. Now, the parties avert to approach courts and try to resolve disputes within themselves through various means. These means, though not through courts, are recognised within the purview of law and have come up as alternative modes of resolving disputes.

These other modes of resolving of disputes are collectively known as Alternative Dispute Resolution. These methods of resolving disputes have picked up momentum in the past one and a half decade and is now one of the most popular modes of settling of differences especially in the field of corporate affairs and also, in some cases civil disputes such as matrimonial and title disputes.

The essence of these modes has been to provide justice. While many in the nation avoid approaching the courts due to high costs involved in litigation and more time consumption in settling of disputes, the Alternative Dispute Resolution provided them with an opportunity to exercise their legal right without apprehending about costs or time delays. These modes function on the sole principle of providing 'Justice to all'.

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1 S.B. Kher, THE LAW AND THE LAWYERS 258 (1962).

'Justice to all' is one of the primary tenets of a democratic State. While the phrase is often quoted, its significance and meaning are somehow lost in the cacophony of debates and deliberations. Justice must percolate to every section of the population and must adhere to the principles of fairness.

This aspect of Justice to all has been enshrined within the Constitution of India by virtue of 42nd Amendment, 1976 whereby Article 39A was inserting obliging the State to provide free legal aid to poor and weaker sections of the society and provide justice to all. Hence, in order to achieve the directive, several steps were taken in the latter half of 1980s.

With the enactment of the National Legal Service Authority Act, 1987, the concept of Lok Adalats came up in India. Every state, subsequently established Lok Adalat in under the Act and Himachal Pradesh was no stranger to the said development.

Lok Adalats in India emerged as an ADR mechanism which sought to ease the courts burden by providing a quick arbitration into certain matters that are capable of being resolved outside the courts. In simple terms 'Lok Adalat' means People's Court and acts as one of the alternatives for the dispute redressal mechanisms.

The forum works for making a compromise or settlement in certain disputes or cases which are either at a pre litigation stage or are pending before a court of law. Lok Adalats works as an informal court and therefore is free from the Procedural clutches and incidental charges which have become one of the biggest hurdles in the justice dispensation mechanism.

Lok Adalats in India are, governed under the NALSA and SALSA. The establishment of Lok Adalats was with the Purpose of Providing Legal Aid to People belonging to poor and remote areas and securing them with the opportunity to avail justice. Apart from this with the establishment of Lok Adalat forums a great potential was seen in them as an alternative to the traditional dispute resolution that can reduce a lot more burden from the courts. All this developed an importance to the formation and functioning of Lok Adalats in India.

The bench of Justice Ruma Pal and Justice A.R. Lakshamanan of the Supreme Court of India in the matter between *P.T. Thomas* v. *Thomas Job* [2] concreted upon the significance of the Lok Adalats in India and stated that the order of Lok Adalat was at par with the order of the

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[2] A.I.R. 2005 S.C. 3575 (India).

Court and such award are "deemed to be decrees of the Court". Thus, stating that Lok Adalats were an extension of the courts themselves.

Himachal Pradesh is no stranger to this development and Lok Adalats are functioning in all 12 districts of the State. However, its reach and efficiency has been a subject matter of debates and deliberations within the academic discourses. While Lok Adalats are functioning in the State, its reach is not as extensive as it should be. Till today, there are scores of populations that are unaware of the nature and significance of the justice delivery mechanism.

1.1 STATEMENT OF THE PROBLEM

The Legal Services Authorities Act, 1987 was enacted with the purpose to provide free and competent legal services to weaker sections of the society and to ensure opportunities for securing justice irrespective of economic and other disabilities. Under this Act the institution of Lok Adalats were established to secure that the operation of the legal system promotes justice on a basis of equal opportunity. Furthermore, considering the pendency of cases in courts[3] and the high costs and procedures involved in the litigation in ordinary courts, Lok Adalats came as a boon to the Justice Delivery mechanism in India. Where a capability in Lok Adalats was seen to strengthen the Justice Delivery System of India.

Lok Adalats as an alternative mode of dispute resolution brings with itself several spaces that marks an inquiry over it being called as an efficient mode of justice delivery mechanism. First one is that most of the people are unaware as to the existence of such a mechanism of dispute resolution. If they are aware, then they lack an awareness regarding its procedures and enforceability of its decisions. This gives very few people an option to choose this mode for dispute resolution.[4]

Second problem is that the settlement under Lok Adalats is to be made by a bench constitutive of judges, advocates and other individuals appointed for this purpose in a time bound manner. This adds an additional pressure upon the parties and authorities to decide the case as early as possible. All this sometimes makes a shift over the priority of ensuring justice to the disposing of matters.[5]

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3 Nilanjana Sinha, *Who is Responsible for the Pendency in Indian Courts?,* THE INDIAN EXPRESS (Feb. 15, 2025) *available at*: https://indianexpress.com/article/opinion/columns/who-is-responsible-for-the-pendency-in-indian-courts-9839614/ (last visited Feb. 20, 2025).

4 *See,* Appendix- I (It provides a short survey that was conducted by the researcher on which the present assumption is based).

5 J.K. Krishnan & M. Galanter, *Bread for the Poor: Access to Justice and Rights of the Needy in India*, HASTINGS LAW JOURNAL 789(2004).

Third problem relates to the reach of these institutions to those individuals and places who cannot afford the normal litigation by social or economic barriers. They tend to compromise over their legitimate rights in order to avoid litigation as they know it is a time taking and costly procedure. Such people can only attain justice when Lok Adalats will become more accessible and reliable.

Lastly, the overall disposal rates of cases through Lok Adalats can provide a broad analysis of its efficient working. But a question as to the satisfaction of decision holders always remains in question.

Lok Adalats are actively functioning in the state of Himachal Pradesh since 1990 as part of dispute resolution process. They are set up in 11 districts of the state of Himachal Pradesh under the provisions of the National Legal Services Authorities Act, 1987. Over time, the system gained momentum and formed an important cog in the justice delivery mechanism of the State judiciary.

Himachal Pradesh is the only state where 89.96 per cent of the population (Census 2011) lives in rural areas.[6] The state is located in altitudes ranging from 450 metres to 6,500 metres above sea level[7] which makes some of its places inaccessible in many ways. All these instances make way for Lok Adalats as a resourceful mechanism that can provide access to justice to all the people belonging to rural and remote Areas. Therefore, the state makes an important and reliable area to secure the answers relating to efficacy of Lok Adalats in India.

1.2 RESEARCH OBJECTIVES

1. To study the history and evolution of the concept of Lok Adalat in India.
2. To analyse the constitutional and legal provisions supporting the functioning of Lok Adalats in India.
3. To study the functioning of Lok Adalats in India and to determine its effect on the overall disposal rate of cases in the State of Himachal Pradesh.
4. To make an empirical analysis of the reach and efficacy of Lok Adalats in State of Himachal Pradesh.

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6 Government of Himachal Pradesh, ECONOMIC SURVEY 2020-2021 (2021); *See also,* NCERT *available at* - https://ncert.nic.in/textbook/pdf/legy2a1.pdf (last visited May 20, 2022).

7 Hari Krishan Mittoo, HIMACHAL PRADESH 1 (2015).

5. To examine the working of Lok Adalats in the State of Himachal Pradesh, identify challenges and suggest reforms in the functioning of Lok Adalats.

1.3 REVIEW OF LITERATURE

To comprehensively analyse the theme of the study, this review synthesizes scholarly articles, government reports and books on Indian Constitutional Law, Alternative means of Dispute Resolution, Legal aid and Lok Adalats, arrears and backlogs in Indian courts etc. have been reviewed.

The Article titled **'Justice for All: Improving the Lok Adalat System in India'**, written by Tameem Zainulbhai[8] presents a thorough study on the working ok Lok Adalats in India through the ages of early history to the modern times. It takes up to explain the evolution of Justice Delivery System in India and how Lok Adalats evolved as a potent concept where administration of Justice was to be ensured to all the weaker sections. It further makes a comparison between the concept of Lok Adalats in India and concept of Mediation that is followed internationally. Under this part a comparison has been made with in the common Law nations to examine the experience of Lok Adalats with the mediation. This comparison sought to explain the reasons that have led to the unproductive functioning of the institution of Lok Adalats. The last part of the paper is dedicated to provide recommendations that can be adopted to make Lok Adalats a more effective Institute.

The study of this article becomes relevant where it provides an insight into the international arena on the working of the institutions of Alternative dispute resolution. Further, it provides a decent glimpse over the potential that can be achieved by Lok Adalats if certain reforms are introduced to this system.

The work of Sonia Sharma in the article **Evaluation of Lok Adalats in Rajasthan: An Empirical Study**[9], she presents an empirical study that has been conducted in the state of Rajasthan to examine the relationship between the numbers of Lok Adalats organised and solved cases. For this study the data was collected from the state legal services authority for a period of 2001 to 2013. This study concludes that a positive relationship exists between the number of Lok Adalats held and the solved cases.

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8 Tameem Zainulbhai, *Justice for All: Improving the Lok Adalat System in India*, I FORDHAM INTERNATIONAL LAW JOURNAL 248- 278 (2016).

9 Sonia Sharma, *Evaluation of Lok Adalats in Rajasthan: An Empirical Study,* GLOBAL JOURNAL OF POLITICS AND LAW RESEARCH 69-78 (2015).

The paper was relevant as it reflected the potential matters that can be transferred to the Lok Adalats and can be resolved amicably through these institutions. The scope of this study was limited to the state of Rajasthan and so there is a scope of similar researches that can be taken up in every state.

The book on **Indian Constitutional Law**[10] authored by M.P. Jain provides a deep and thorough explanation to each and every aspect that relates to the constitution of India while citing various landmark judgements and viewpoints of various jurists. For the present study the relevant portions were extracted from various portions of the books i.e. Preamble, Fundamental Rights, Fundamental Duties, Directive Principle of State Policy. Further the substance relating to equal justice and free Legal Aid and the judicial interpretations of the same were referred for the present study. The book however is a commentary on the constitution of India and therefore was relevant only for the aspects that deal with the constitutional explanations and compulsions for the establishment of Lok Adalats in India.

The book **Arbitration and Conciliation Act, 1996: With Alternative Means of Settlement of Disputes**[11] written by S.C. Tripathi, delivers a commentary on the Arbitration and Conciliation Act, 1996. It provides a detailed analyses of the Act by discussing the salient features of the Act, scope of Arbitration Law in India, its composition etc. Further it has elaborated all the statutory provisions and made an evaluation on the recent trends and case Laws. The book also provides an information on the meaning and working of other alternative modes that are employed for resolving disputes. For the present study it was important to consider all the aspects which can be employed for resolving disputes. Apart from this a whole chapter under this book is dedicated to the meaning and working of Lok Adalats which was significant to the present research. The book was relevant in providing the basic understanding about the Lok Adalats. The book also provides an insight into the working of NALSA which is relevant for the present research.

The book **Lok Adalat in India Genesis Law Practice and Prospects**[12] comprehensively takes up to explain the need and working of Lok Adalats in India. Initially the book draws back to the ancient times where similar practices were followed for justice dispensation and in what forms they exited and worked in those times. Then it proceeds to

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10 M.P. Jain, INDIAN CONSTITUTIONAL LAW (2014).

11 S.C. Tripathi, ARBITRATION AND CONCILIATION ACT, 1996: WITH ALTERNATIVE MEANS OF SETTLEMENT OF DISPUTES (2015).

12 Hemant Kumar Chand, LOK ADALAT IN INDIA GENESIS LAW PRACTICE AND PROSPECTS (2016).

explain the establishment of common law courts during the British rule and thereby limiting the working of ancient Indian Nyayalaya. Further how the common law justice was limited and thus to make it wholesome various alternatives emerged in terms of Arbitration, Conciliation, mediation etc. and a similar alternative was established in India i.e. Lok Adalats. Lok Adalats were initially established to dispense justice to the weaker sections but later it was realised that they have huge potential in relieving the courts burden. Also, the procedure that is involved in the process of setting up Lok Adalats have been discussed in the book. The books become relevant as it discusses the concept of Lok Adalats in India in detail and explains the laws and institutions that governs the working of this Forum.

The book by Sarfaraz Ahmed Khan on **Lok Adalat**[13] is relevant for the present study as the book provides an in-depth discussion into the Lok Adalats forums and various other aspects that are related to it. The book takes up to explain the panchayat system and settlement mechanism that acted as a path provider to the Lok Adalats wherein all the ancient, medieval and modern aspects were considered and explained. It also discusses the emerging trend of dispute resolution in India and across the world. Further the book explains the emergence of Lok Adalats as an effective ADR mechanism and its Constitutional and Legislative Mechanisms.

The book becomes relevant as it provides the basic information and idea as to how the Lok Adalats were established, what were the issues in the normal Justice Delivery system and what further changes can be brought to strengthen the Institution of Lok Adalats.

The book by Mamta Rao on **Public Interest Litigation Legal Aid and Lok Adalats**[14] extensively discusses the institutions of Public Interest Litigation, Legal Aid and Lok Adalats. The theme of this book revolves around the evolution of the above-mentioned institutions and their purpose to secure the administration of Justice to all irrespective of their economic, social and geographical background. The book analyses deeply the inefficiency of modern courts to administer justice to the poor and vulnerable irrespective of several legislations that have been framed for the benefit of such individuals. The reason basically lies with the high costs, procedural turns and lack of awareness among the people that needed to be accommodated in order to administer justice to all. All these issues led to the evolution of public Interest Litigation, Legal Aid and Lok Adalats.

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13 Sarfaraz Ahmed Khan, LOK ADALAT (2005).

14 Mamta Rao, PUBLIC INTEREST LITIGATION LEGAL AID AND LOK ADALATS (2015).

The book becomes relevant to the present research as it provides an extensive information about the working of this institution, the purpose of their evolution and the way forward. The present research is on analysing the working of the Lok Adalats and thus the book provides a lot of information on the existing Laws and policies that deal with the working of Lok Adalats. However, the information provided by the book is limited to the study of laws and policies involved in the process of public interest litigation, legal air and Lok Adalats only. But the present research seeks to study the ground realities in the working of Lok Adalats.

The Article '**From Takrar to Karar: The Lok Adalat – A Preliminary Study**'[15] written by Upendra Baxi offers an insightful examination of an early experiment of informal dispute resolution in India. The universe of this research was limited to the Lok Adalat at Rangpur, Gujrat, initiated by the Gandhian activist Harivallabh Parikh. Through this research, he tried to explore the community-based mechanisms that can address local disputes effectively. Baxi's work provides a foundational analysis of grassroots justice mechanisms in India. Further, he sheds light on the potential and challenges of informal dispute resolution, offering valuable insights for legal scholars and policymakers interested in enhancing access to justice.

Bread for the Poor: Access to Justice and the Rights of the Needy in India[16] is a fine article written by Marc Galanter and Jayanth K. Krishnan analysing the working of Lok Adalats in India. the basic question that this article seeks to answer is whether Lok Adalat deserve the support it enjoys amongst politicians and judges in India? it critically examines the effectiveness of Lok Adalats in providing Justice to India's marginalised populations. The article specifically points out the practical challenges and limitations faced by the Lok Adalats, such as the variability in its functioning, coercive settlements, lack of legal representation etc. The authors called the functioning of Lok Adalats as based on informalism and argued that Lok adalats often lack procedural safeguards which are necessary to ensure fair outcomes.

The book titled **The Wonderland Himachal Pradesh: An Encyclopaedia on a Tiny State of Western Himalaya**[17] was referred to study the demographic structure and other details of state of Himachal Pradesh. It comprehensively discusses the history of each district,

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15 Upendra Baxi, *From Takrar to Karar: The Lok Adalat – A Preliminary Study*, JOURNAL OF CONSTITUTIONAL AND PARLIAMENTARY STUDIES (1976).

16 *Supra* note 11.

17 Jag Mohan Balokhra, THE WONDERLAND HIMACHAL PRADESH: AN ENCYCLOPAEDIA ON A TINY STATE OF WESTERN HIMALAYA (2017).

geography of the state, people and their social life and customs, art, politics and administration of the state. The literature of this book becomes important as the present study will relate to the state of Himachal Pradesh and for that it becomes important to understand certain aspects of the state which this book reasonably covers. The book further provides an information about the population of each district and about the weaker sections of the society which to some extent will be considered in the present study. Also, it provides information on the working of Local Self Governments in terms of Gram Sabhas, Gram Panchayats, Panchayt Samitis and Judicial functions and powers of Gram Panchayats.

However, the book is exhaustive in the aspect that its talks about Himachal Pradesh as a state in complete. But the present study is more focused on the working of Lok Adalats in the State, in analysing the view points of the people whose concern lies in the working of Lok Adalats and also people in general.

The Law Commission Report on **Need for Justice Dispensation through ADR etc**.[18] provides an information about the access to Justice for all whereby it has been taken into consideration that normal courts although having been established for the delivery of Justice, are lacking in several aspects. Mere framing of Laws for the benefit of weaker sections of the society will not benefit the vulnerable groups if they are ignorant and incapable to exercise the right that have been entrusted to them. Many a times poverty, illiteracy, social backwardness and geographical barriers hinders their right to access Justice. For this a consideration to past was given when there were no practice of common Law courts and the matters were settled by the council of village elders known as Panchayats. In view of the present day working of ADR and inaccessibility of courts to certain people Lok Adalats were established. The report further explains the other ADR mechanism that can be considered for equal justice and speedy disposal of cases and makes few recommendations.

The relevancy of the report comes from the fact that the report considers Lok Adalats as an alternative mode of dispute resolution that is suitable to India. Thus, consideration of this report becomes an important aspect for conducting the present research. However, the report is limited to the study of various alternative modes of redressal and their suitability in the Indian legal system. On the other-hand present research is fully dedicated to analyse the working of Lok Adalats in India.

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[18] Law Commission of India, 222ND REPORT ON NEED FOR JUSTICE-DISPENSATION THROUGH ADR ETC. (2009).

The report titled '**A Comparative Report on An Analysis of the functioning of Lok Adalats in the Eastern Region of India'**[19] analysis the functioning of Lok Adalats in the eastern region of India that constitutes the states of Odisha, Jharkhand, West Bengal and Bihar. The research was funded by the Department of Justice, Ministry of Law and Justice, Government of India and implemented by Odisha Judicial Academy in association with National Law University, Odisha. The report analyses the historical evolution of the Lok Adalats in India and its functioning in the present times. The report specifically makes a comparative analysis between the Policies and functioning of Lok Adalats in the above-mentioned states. Further the report makes a comparative study on the disposal records on the nature of cases. Such as family disputes, MACT cases etc. the report also have analyzed the responses from the stake holders who held there direct or indirect interest in the Lok Adalats.

The study of this report becomes relevant as it analyses the working of Lok Adalats in the eastern States of India and the present research also seeks to make an analysis of the working of the Lok Adalats. It provides assistance in understanding the various aspects of Lok Adalats on India, its Laws, Policies and functioning. However, the report is limited in analyzing only the aspects of Lok Adalats which are applicable to the above mention state and what are the disposal records in such cases and through the present research the researcher seeks to analyse the functioning of the Lok Adalats in Himachal Pradesh.

The Law commission of India in its **245th Report**[20] makes a deep analysis of the arrears and backlog of cases in the Indian judicial system and that there is a need of increase in the deciding courts. The report after a brief introduction describes the concepts of pendency, delay, arrears and backlog to provide a clarity to each of the concepts. The next part of the report makes a computation on the judge's strength in contrast with the pendency of cases in the high courts and subordinate courts of the country. The report statistically analysed the data from the period of 2002 to 2012. The method referred for computing adequate judge strength were the judge-population ratio, the judge-filing ratio, the ideal case load method, time-based methods, and the rate of Disposal Method. Lastly the report concludes with making some recommendations that can be adopted to strike a balance between the pending litigation and strength of Judges.

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19 Odisha Judicial Academy and National Law University, Odisha, A COMPARATIVE REPORT ON AN ANALYSIS OF THE FUNCTIONING OF LOK ADALATS IN THE EASTERN REGION OF INDIA (2019).

20 Law Commission of India, 245TH REPORT ON ARREARS AND BACKLOG: CREATING ADDITIONAL JUDICIAL (WO)MANPOWER (2014).

The report becomes relevant for the present research as it provides the data and analysis regarding the pendency of cases in the Indian legal system and the issues involved therein. The report becomes pertinent as the present research will be on the working of Lok Adalats in India and this particular institution has a lot more capability of reducing the backlog of certain types of cases from the normal courts. The report is limited to making an analysis about the pendency of litigation in relation to the strength of judges. But the present study will be exhaustively discussing about the functioning of Lok Adalats.

1.4 HYPOTHESES

H1: Lok Adalats in Himachal Pradesh have significantly contributed to the reduction of case backlog and provided accessible, cost-effective and speedy justice.

H2: People in Himachal Pradesh lack adequate awareness about the objectives, procedure and benefits of Lok Adalats.

1.5 RESEARCH QUESTIONS

1. What are the functions and guiding principles of Lok Adalat and how do these align with access to justice and dispute resolution?

2. What is the quantitative case load and case resolution profile of Lok Adalats in Himachal Pradesh since its inception?

3. What type of disputes are most commonly resolved through Lok Adalats in the state of Himachal Pradesh at pre-litigation and at pending stage, and what are the factors that influence the rate of settlement of such cases?

4. Whether there is a lack of awareness amongst the general masses regarding the procedures and benefits of Lok Adalats?

5. How do stake holders perceive the effectiveness of Lok Adalats in the state of Himachal Pradesh, in terms of its awareness, cost effectiveness, amicable resolution, speedy justice and enforceability of its awards?

6. Whether there are any inadequacies as to the efficient functioning of Lok Adalats in the state of Himachal Pradesh?

1.6 UNIVERSE OF THE RESARCH

The scope of this study is limited to the data relating to the working of Lok Adalats in India through the Laws, Procedures, Reports and Statistics. The statistics essentially relates to

the functioning of National Lok Adalats from 2016 to 2024. For its specific analysis, the research is limited to the state of Himachal Pradesh. The specific provisions as to the organisation and functioning of Lok Adalats by the SLSA, DLSA, HCLSC and TLSC, is discussed in the context of the state itself. The data relating to the organisations, cases taken up and cases settled through the Lok Adalats with specific case type wise analysis is done with reference to the state of Himachal Pradesh.

The research is designed to include primary data to be collected, through structured and unstructured questionnaires from the major stake holders. The universe of this research is limited to the State of Himachal Pradesh, whereby general public and litigants residing in the state, advocates practising in the state, judges appointed and retired in the state and the officials and clerks of the SLSA and DLSAs of the state, are interviewed.

1.7 RESEARCH METHODOLOGY

The main aim of this research is to analyse the efficacy of Lok Adalats as a mechanism of dispute resolution. To achieve this, the research seeks to explore the evolution of Lok Adalats in detail, its constitutional and legal basis, the structure and procedure involved in the process, its practical evaluation in terms of cases taken up by it and the experiences of general public, litigants, advocates and the judges. As per the requirement of the research problem, hypothesis and the objectives sought to be achieved, this research would adhere to both, doctrinal and non-doctrinal methods of research methodology.

As part of the Doctrinal study the researcher have examined, both, the primary and secondary sources of information on the subject. It includes the relevant books, articles, constitutional provisions, legislations and reports relating to the ancient and medieval history of India, legal and constitutional history of India, access to justice, the relevant legal and constitutional provisions relating to Lok Adalats, legal aid, and ADR. For conducting this research, the primary data includes the existing policies, Acts, reports and judgements, and the secondary data in terms of books, journals, articles, websites etc. have also been employed.

In order to scrutinize the true character of the functioning of Lok Adalats in the Universe of this study, it was mandatory for the researcher to carry out empirical research for evaluating the awareness and functioning of Lok Adalats. To evaluate the ground realities of the working of Lok Adalats, and framing of hypothesis it was necessary to conduct a pilot study.[21] Based

[21] *Supra* note 4.

on the pilot study, the first hypothesis was framed and the questionnaires were prepared for the General Public/ litigants, the Advocates and judges. The researcher has carried out the empirical study by interviewing the respondents with the help of structured as well as unstructured questionnaires. The same has been done by making periodic visits to the Lok Adalats held in the State of Himachal Pradesh.

Also, for analysing the working of Lok Adalats quantitatively, the data has been gathered from the reports published by the NALSA, Himachal Pradesh SLSA and by personally requesting the specific data sets from the SLSA and DLSAs in the State of Himachal Pradesh.

1.8 SIGNIFICANCE OF THE STUDY

Lok Adalats in India have been developed as a system of dispute redressal to address the needs of people who cannot afford seeking justice through normal course. It emerged from the need to provide free legal aid to the poor which has been on emphasis by the various judges of constitutional courts such as Justice P.N. Bhagwati and Justice V.R. Krishna Iyer. The motion was equally supported by the union government and various state legislatures. All this led to the insertion of Article 39A in the constitution of India itself. The Article endures to secure equal justice and free legal aid to all. This article sought to ensure that economic and other disabilities of individuals do not deny them from the opportunities of securing justice.

Further, there is a huge unevenness in the ratio between the new litigations and the number of cases that are disposed of in a year. This trend has led to a backlog on the judicial system of this nation, right from the Supreme Court to all the high courts and district courts. The issue is unprecedented and needs to be addressed at various levels. A huge contribution into this backlog is of cases that are capable of being resolved without the procedural observance and only with the judicial expertise. In such cases role of Lok Adalats becomes significant.

The current study will relate to the state of Himachal Pradesh where the population is not as much, but the functioning of Lok Adalats may be of greater significance. The reason for the same is that the majority of its population resides in villages and remote areas. This keeps a reasonable population of the state out of the affordability and interest to undertake the process of litigation for their disputes in normal courts.

On many occasions, this leads to a compromise on the part of weaker party. Lok Adalats in such situations seems to be a good resolve, where procedural and economic hurdles can be

set aside and a reasonable compromise can be reached while ensuring the accessibility and affordability of the parties. Lok Adalats hold jurisdiction in most of the disputes as all the matters which civil in nature or criminal cases which are compoundable under the law can be settled through Lok Adlats. On contrary, very less matters are taken-up by Lok Adalats at the pre-litigation stage.

The significance of the study lies with this particular aspect where the efficacy of Lok Adalats in the state of Himachal Pradesh can be analysed. It will further assist in analysing the issues and factors that have been impeding the efficient functioning of Lok Adalats. All this will aid in providing the reformative actions that can be adopted by the central and state governments in administering justice to all.

The study aims to highlight these drawbacks that have affected the performance of Lok Adalats as a mode of dispute resolution and seeks to put forward solutions in relation to its performance. It further seeks to establish a detailed explanation as to the reasons which hinder the general public from approaching the institution of Lok Adalats as a means of dispute resolution. It will also put into perspective the viewpoint of the State or the authorities in relation to the challenges faced by them in conducting and 'fine tuning' the mechanism that aims to provide justice to every nook and corner of the democratic polity.

Its significance comes with the fact that it aims to take into account the arguments and perspectives advanced by the general public, litigants, advocates and the judges in relation to Lok Adalats and its working.

1.9 CHAPTERISATION

Chapter 1: Introduction

The chapter includes a comprehensive literature review that forms the basic understanding of the working of Lok Adalats in India. It is instrumental in arranging the statement of problem and significance of this research. It introduces the concept of Lok Adalats along with the developments that have influenced it's working.

Chapter 2: Access to Justice and Lok Adalats in India: A Historical Perspective

This chapter analysis the ancient and medieval systems that existed in India for the purpose of dispute resolution. Further, it continues to study the process of formalisation of dispute settlement process and procedure during the British rule and the evolution of dispute

resolution process in post-independent India. It also highlights the acute issues affecting the Indian Judicial System after independence as has been highlighted by various law commissions and reports on Judicial reforms. The chapter simultaneously discusses the existence, continuance, discontinuance and reinstating of an indigenous system of dispute resolution such as Gram Nyayalaya, Nyaya Panchayat, Lok Adalat etc. Lastly, the chapter takes into account the international provisions relating to equal access to justice, legal aid etc.

Chapter 3: Legal Aid and Lok Adalats: Indian Legal Framework

This chapter advances upon the constitutional mandate to secure to its citizens equal Justice and Free Legal Aid. It will further include an insight and discussion on all those provision that makes an advancement towards the establishment of Lok Adalats. Further, the chapter will elaborate upon the Laws that have either enabled the functioning of Lok Adalats or have been elaborating upon the functioning of Lok Adalats in India.

Chapter 4: Lok Adalats in India: Structure and Procedure with Reference to the State of Himachal Pradesh

This chapter will analyse the specific provisions of the Act, Rules and Regulations that are describing the organisation and procedure of conducting Lok Adalats. It discusses in detail, the hierarchy, constitution and functions of various Authorities and Committees involved in the process. The chapter explains the advantages, types, specific steps involved in the process of organising, conducting and issuing of Award from the Lok Adlats. Lastly, the chapter discusses the mobilisation of funds for the purpose of providing legal aid and conducting Lok Adalats.

Chapter 5: Working of Lok Adalats in India: Evaluation with Reference to the State of Himachal Pradesh

This chapter analysis in detail the disposal records of Lok Adalats in India. At national level, the data of National Lok Adalats has been analysed from 2016 to 2024 and the data of 2023-24 has been analyses separately to make a specific year analysis. To analyse the disposal records in the state of Himachal Pradesh, the data on State Lok Adalats and National Lok Adalats have been analysed separately. Lastly, a separate analysis of the data has been done on the basis of the case types that are taken up by Lok Adalats at pre-litigation and pending stage to analyse the legal implications and challenges involved in the process of settlement.

Chapter 6: Awareness and Functioning of Lok Adalats in India: An Analysis with Reference to the State of Himachal Pradesh

This chapter analysis of the responses received through questionnaires form the stake holders to examine the efficient working of Lok Adalats, its existing policies and to seek suggestions on the possible reforms that can be brought to the effective working of Lok Adalats. The analysis is done in four parts, constituting the response of general public and litigants in Part-I, advocates in Part-II, Judges in Part-III and officials of SLSA and DLSA in Part-IV. Lastly, the chapter includes a thorough analysis of the Research Questions and Hypothesis that are set at the beginning of this research.

Chapter 7: Conclusion and Suggestions

This chapter summarises the entire study and highlights the possible reforms and changes that maybe implemented for more effective working of Lok Adalats. Further an attempt to advance certain recommendations regarding the advancement and improvement of Lok Adalats is made in this chapter based on the present research that may specifically suit the process of organising the Lok Adalats in the State of Himachal Pradesh.

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APPENDIX-I

ASSESSMENT AS TO AWARENESS REGARDING LOK ADALATS AND ITS PROCEDURES

INTRODUCTION

Lok Adalats form an important organ in the Justice delivery mechanism of India. The institution have received both Judicial and Governmental support and have been setup throughout India. But the viability of this institute can only be tested by the people as it have been established to provide them with access to free and speedy access to justice. For achiving that purpose the first and foremost thing is to assure the awareness of people with the purpose of establishing Lok Adalats and its working procedures.

In the present paper a Pilot Study was conducted to know whether people in General are aware of the existence of any such Institutions. If they are aware, then whether they are aware of the working procedures of Lok Adalats i.e. how and where to file cases with Lok Adalats, how the proceedings as to lok adalats are conducted, what is the value of a decision that have been reached in Lok Adalats etc. Also, what were the modes through which they became aware of the existence and working of Such Institutions. All such questions were considered in the present study so that a fair assumption can be drawn regarding the awareness of Lok Adalats amongst the people in general.

HYPOTHESIS

People in general are not aware of the Lok Adalats and its functioning procedures.

OBJECTIVE OF THE STUDY

To make a fair assumption regarding the awareness of people with regard to the institution of Lok Adalats and its procedures.

RESEARCH METHODOLOGY

Method of data collection was through online questionnaire via Google forms which consisted of both open ended and close ended questions. The method employed in this data collection was random sampling and convenient sampling. Wherein questionnaire was circulated amongst the people who are educated and are aware of filling online google forms and for others the researcher narrated the questions into the language of their comfort and marked the answers accodingly.

SCOPE OF THE STUDY

The scope of this study was limited to the people belonging from Shimla district of Himachal Pradesh. The research is limited to the responses of 26 individuals who represented both rural and urban areas.

DATA INTERPRETATION

The questionnaire was answered by 26 individuals and started with some general questions.

Amongst 26 individuals there were 12 females and 14 males.

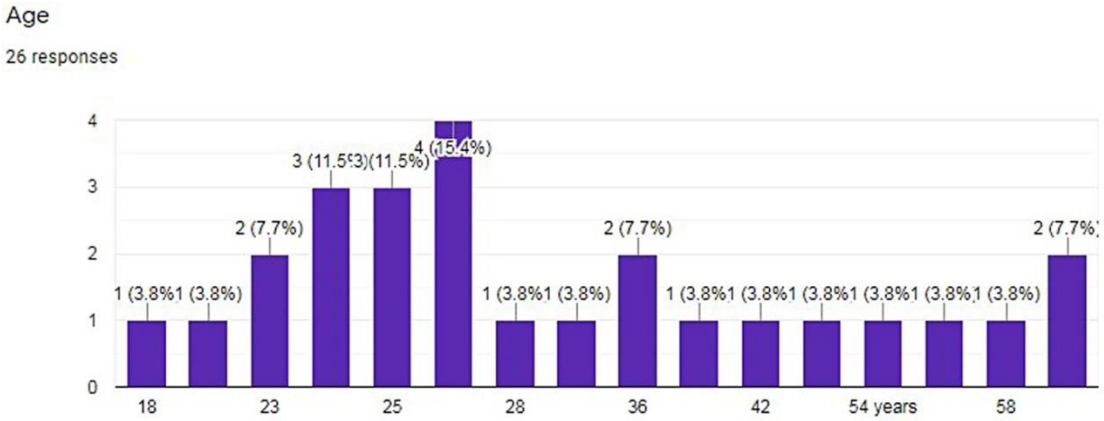

Figure 1 represents the range of age within which the 26 respondents lay. The respondents ranged from 18 years (youngest) to 63 years (eldest) and majority responses were received from the people having their age between 20 to 30 years.

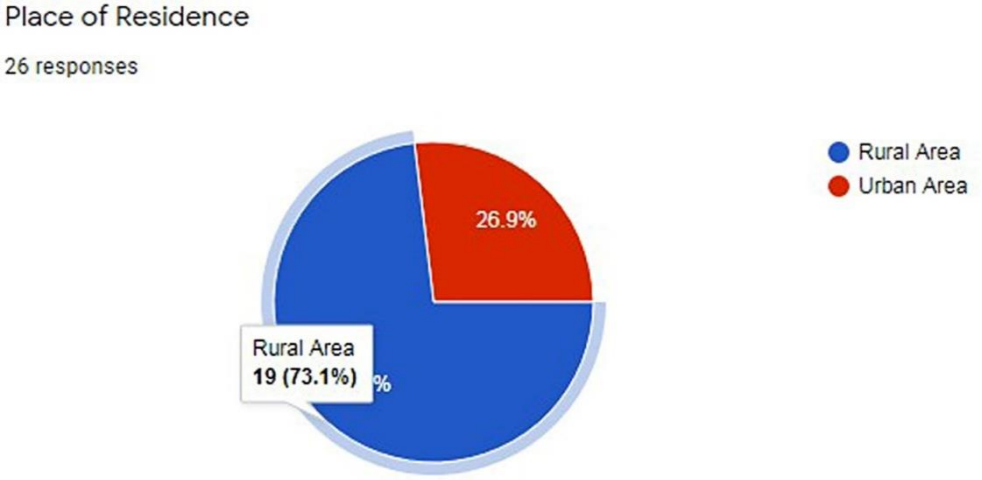

Figure 2 represents the place of residence of the respondents wherein two options were provided i.e. Rural and Urban. 73.1% of responses have been received from the people who are residing in rural areas and 26.9% response was received from the people belonging to urban areas. Since the major purpose of establishment of Lok Adalat institutions was to secure access to justice to rural population, so a reliable conclusion can be reached as majority population here belongs to rural areas.

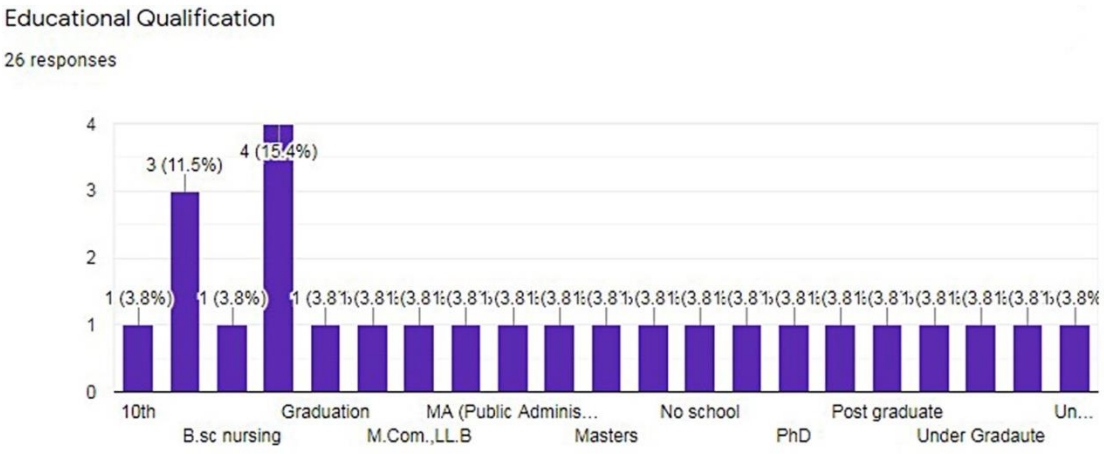

Figure 3 represents the educational qualification of the respondents. So in the present study the response have been received from people who never been to schools to people who are pursuing Ph.D. in respective areas have been received.

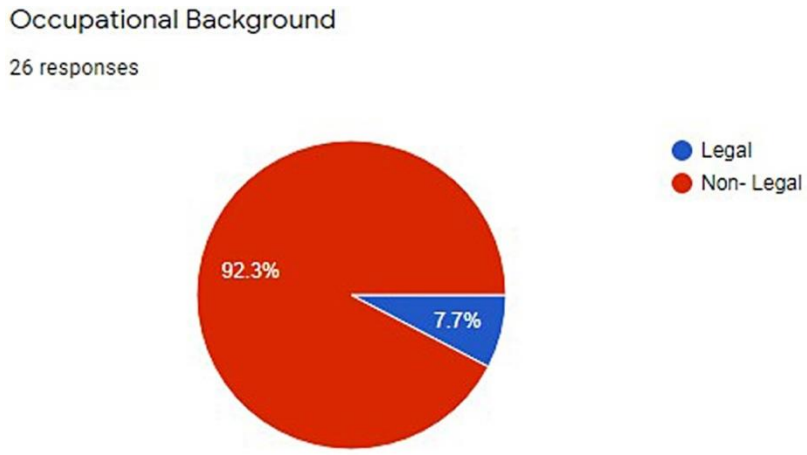

Figure 4 represents the Occupational backgrounds of the respondents where Legal represents the professions that can be pursued after doing bachelors in Law. And Non-Legal represented the other professions excluding people from law related backgrounds. So most of the responses are received from those who do not have any prior knowledge of law.

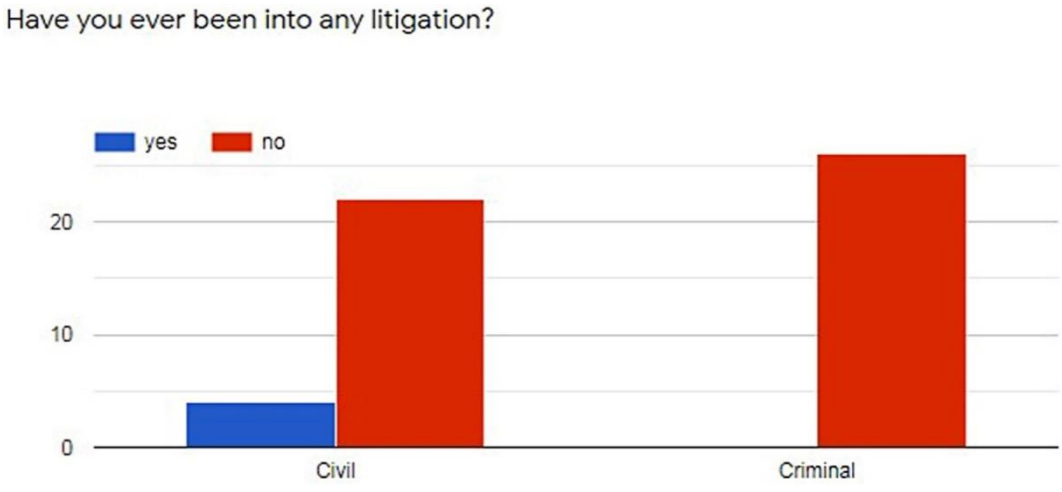

Figure 5 shows that whether the respondents have been into any litigation or not. None of them have ever been into criminal litigations. Very few have been into civil litigation but majority have not been into civil litigations as well.

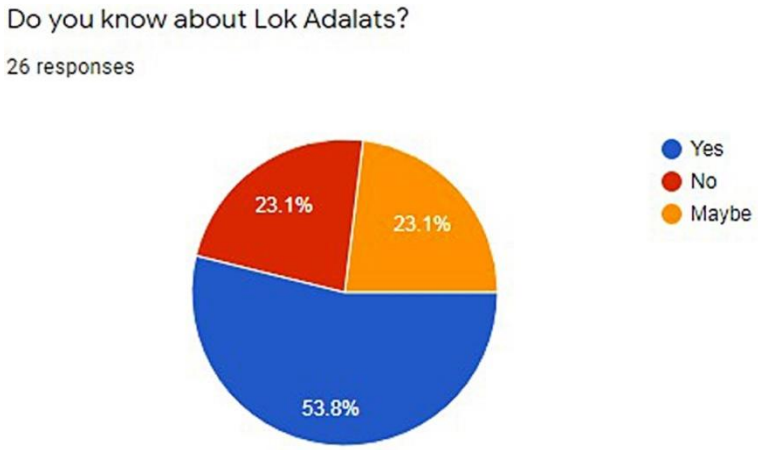

Figure 6 represents the awareness of people regarding the existence of Lok Adalats as a justice delivery mechanism. Amongst the responses people are aware of Lok Adalats with a slight majority. 23.1% population is not aware and 23.1% were not sure as to their responses.

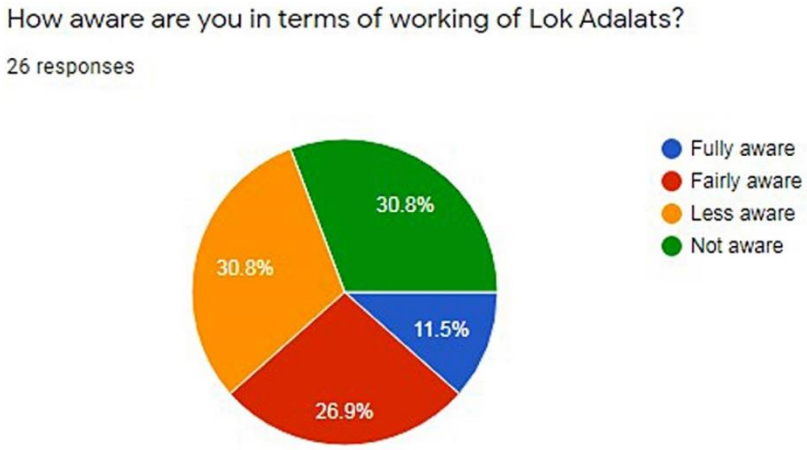

Figure 7 takes up the question regarding awareness of people about the working and procedures of Lok Adalats. Almost 61.6% people responded that they are not aware or are very less aware of the working of Lok Adalats. While 26.9% people were fairly aware and only 11.5% population was fully aware.

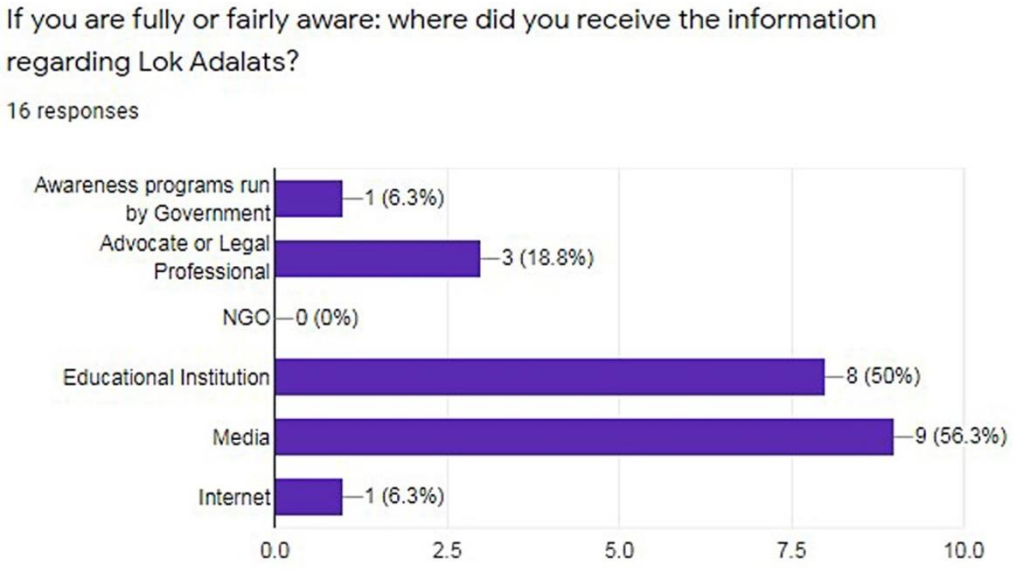

Figure 8 explains the sources from which people have become known or aware of the Lok Adalats. Majority people received such awareness from media and educational institutions. While other have received it from various other sources such as awareness programs run by government, Advocates and legal practitioners, internet etc.

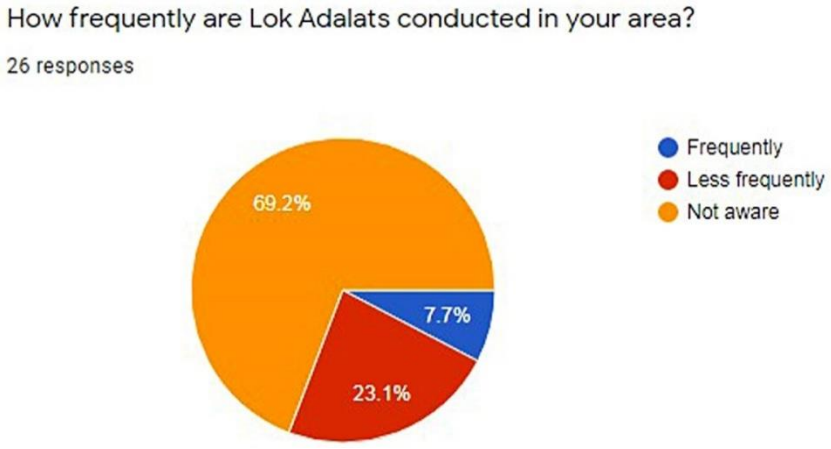

Figure 9 inqures the awareness of respondents about how frequently Lok Adalats are conducted in their areas. To which a majority was not aware i.e. almost 69.2% people were not aware. Among other responses 23% answered less frequently and 7.7% responded frequently.

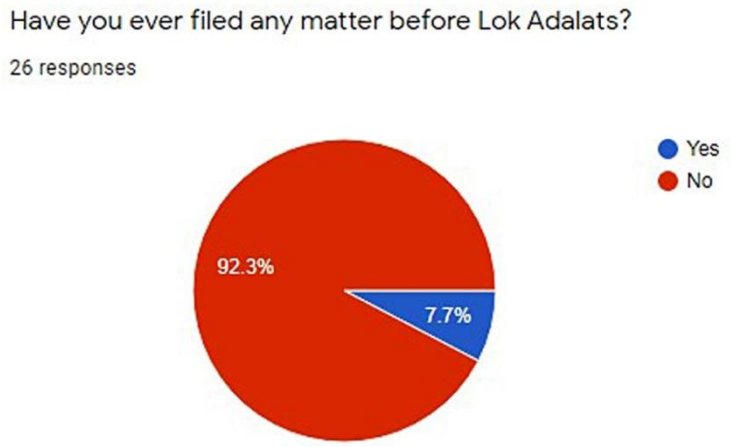

Figure 10 represents whether amongst the respondents who has filed cases or have resolved their disputes through Lok Adalats. 7.7% population have an experience of the filing of cases and working of Lok Adalats. Rest 92.3% have neither filed cases before Lok Adalats nor have they resolved their disputes through Lok Adalats.

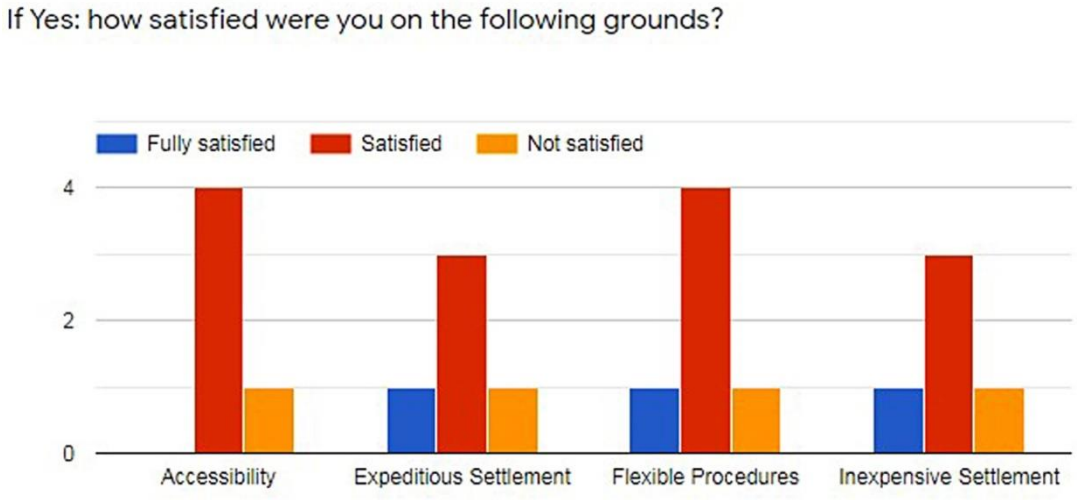

Figure 11 analysis the experience of those who have been into Arbitration and conciliation proceedings before the Lok Adalats. This figure reflects a satisfaction of people towards the working of Lok Adalats on the grounds of accessibility, expeditious settlement, flexible procedures and it being an inexpensive settlement.

CONCLUSION

From the above study it can be concluded that there is lack of awareness among the masses regarding Lok Adalats, its functioning and procedures. Unawareness is not only amongst the people who are not that educated but is also amongst those who are reasonably educated.
So, in order to make these institutions function well and make it completely available to people a need can be seen in making public in general aware of its procedure and functioning.